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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,248	02/12/2004	Toshiaki Otsuki	392.1872	4162
21171	7590	05/01/2007		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER CABRERA, ZOILA E	
			ART UNIT 2125	PAPER NUMBER
			MAIL DATE 05/01/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/776,248

Applicant(s)

OTSUKI ET AL.

Examiner

Zoila E. Cabrera

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 26 2007 has been entered.

2. Claims 1-12 have been cancelled.

New claims 13-15 are presented for consideration.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 13 and 14, line 3, recite "arranged above the first axis of rotation", it is unclear what is arranged above the first axis of rotation.

Claim 13, line 10-11, recite "rotating said first actual tool length vector by the amount corresponding to the instruction for the second axis of rotation". It is unclear

how the amount corresponds to the instruction. It seems that it should read as follows:

“by the amount corresponding to the instruction **position** for the second axis...”.

Claim 13, lines 16-17, recite “the instruction for the first axis of rotation”. This limitation lacks antecedent basis.

Claim 14, line 6, the limitation “the origin of the table” lacks antecedent basis.

Claim 14, lines 8, recite “rotating the instruction position”. It is unclear how the instruction position is rotated.

Claim 14, line 9, “an amount corresponding to an instruction”. It is unclear how the amount corresponds to an instruction.

Claim 14, line 12, recites “obtaining a position rotated by the second axis of rotation”. It is unclear as to how a position is rotated.

Claim 14, lines 14-15, recite “rotating the rotational position”. It is unclear how the rotational position is rotated.

Claim 15, line 7, lines 7-8, recite “rotating the instruction position in a machine coordinate system by an amount corresponding to an instruction”. It is unclear how the instruction position is rotated and further it is not clear how the amount corresponds to the instruction.

Claim 15, lines 8, 10, 11, 13, 14, 16-7, and 20, the limitation “a table” lacks antecedent basis. After the first occurrence of “a table”, it should read “**the** table”.

Claim 15, line 12, the limitation “the tool length vector” lacks antecedent basis.

Claim 15, lines 12-13, recites “an amount corresponding to an instruction”. It is unclear how the amount corresponds to an instruction.

Claim 15, lines 9-10 and 16-17, recites "obtaining a position rotated by the axis of rotation". It is unclear as to how a position is rotated.


The claims are replete with indefinite and/or functional language not supported by the recited structure. The above listing is exemplary of the types of errors present and not necessarily an exhaustive listing. Therefore, please review the claims and amend accordingly for compliance with 35 USC 112, second paragraph.

### ***Conclusion***

4. Any inquiry concerning communication or earlier communication from the examiner should be directed to Zoila Cabrera, whose telephone number is (571) 272-3738. The examiner can normally be reached on M-F from 8:00 a.m. to 5:30 p.m. EST (every other Friday).

If attempts to reach the examiner by phone fail, the examiner's supervisor, Leo Picard, can be reached on (571) 272-3749. Additionally, the fax phones for Art Unit 2125 are (571) 273-8300. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.

Zoila Cabrera  
Primary Examiner  
4/27/07

  
ZOILA CABRERA  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 2100  
4/27/07